

Springerville Planning & Zoning Commission
Regular Session Minutes
Aug. 12, 2004

Present: Vice Chairman Bill Lucas, Larry Martin, Betty Amator, Kay Matthews, Dan Slaysman and Steve Martin

Absent: Bridget Laney

Staff: Interim Zoning Administrator Tom Malone, Incoming Zoning Administrator Larisa Bogardus, Town Manager Scott Garms and Councilman Pete Hunt

Public: Lynn Levingston, Julie Johnson, Chris and Kay Buck, Susie Silva

1. Call to Order

Vice-Chairman Bill Lucas called the meeting to order at 7:30 p.m.

Roll Call: Present: Bill Lucas
Kay Matthews
Dan Slaysman
Steve Martin
Betty Amator
Larry Martin

Absent: Bridget Laney

2. Public Participation: Julie Johnson asked why the commission voted against the rezoning of parcel 10-521-091 from a split zoning of C-1 and R1-7 to entirely C-1 during the July 15, 2004 meeting. She said she and her husband Bill would like to add a farmer's market or second hand furniture store to her current business. Mrs. Johnson also complained that they were not notified of the decision by town staff. Commission vice chairman Bill Lucas replied that the intended use would have been helpful when the matter was brought to the commission and that neighboring property owners felt they would be adversely impacted by the change. Council representative Pete Hunt pointed out that public participation allows the public to comment, but prohibits the commission from responding. Town Manager Scott Garms said the item would be addressed by town council during the Aug. 18, 2004, meeting. Connie Hunt said she and her husband believe the change is appropriate because most of the surrounding properties are also zoned commercial. Chris Buck said the parcel was originally zoned residential and he did not understand how it came to be part commercial. Jim Muth said when the town established the 300-foot commercial zone along Main Street, the Johnsons' property was included. Mr. Lucas closed the public participation portion of the meeting saying the discussion should take place at the town council meeting.

3. Interim Zoning Administrator's Report: There have been a number of inquiries regarding zoning of vacant commercial properties along Main Street, which could be an indicator of new development. A business permit was issued for a pawn shop and an application has been received for a thrift shop.

4. Minutes: Minutes of the Planning and Zoning Commission meeting of July 15, 2004 will be included in the September packet.

OLD BUSINESS

5. **Rezone 2004-R001:** Hold a public hearing and make a recommendation to the Town Council regarding a request to rezone parcel 10-521-090 from a split zoning of C-1 and R1-7 to completely C-1.

Mr. Malone said a land use attorney recommended the town address split zonings as rezones.

Vice chairman Lucas opened up the hearing for public comment.

Jim Muth spoke on behalf of the applicant. Noting the request has been discussed at length during previous meetings, he offered to answer any questions. Commissioner Matthews asked the intended use for the property. Mr. Muth replied there was no intent to change the current use. He noted the rezoning was first brought up last November and the application was submitted in April. Rezoning it now will eliminate one step in the process when the owner does decide to develop the property.

Connie Hunt said the development has been beneficial to the community and future development of that type would be as well. She and her husband Pete and other commercial property owners support the change.

Chris Buck expressed concern regarding future use. If the existing development is expanded that would be fine, but he would object to other uses, such as heavy equipment businesses starting early in the morning. Councilman Hunt said the developer's intention is to extend the existing plaza, adding more offices and retail space.

Commissioner Betty Amator said she thought the commission was going to rezone all the split parcels in town at one time. She felt that individual applications represented spot zoning. Mr. Muth said spot zoning is defined as parcels that are rezoned within an entirely different zoning classification. Commissioner Amator said the town code defines it as a change that benefits the individual property owner rather than the community as a whole.

Mr. Muth said the property doesn't qualify for a rezone because rezone applications should include a site plan and statement of intended use. He said many communities have problems with split zoning and address it on a case by case basis. He asked the commission to go ahead and vote on the application so the process can move forward.

Motion by Larry Martin/Steve Martin to recommend the rezoning of parcel 10-521-090.

Vote:	Ayes:	Bill Lucas Steve Martin Larry Martin Betty Amator
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	Nays:	Dan Slaysman
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	Abstaining:	Kay Matthews
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NEW BUSINESS

6. **CUP 2004-C009** Consider a conditional use permit application from Lynn Levingston to allow a fence in the front yard setback taller than three feet.

Mr. Malone advised that he has looked at the property and did not feel that it poses any threat to public safety regarding visibility.

Ms. Levingston said the town is violating the Human Rights Act's mandate to respect privacy by requiring a fence permit. She added there are seven code violations on Tumbling T Drive that the town has done nothing about. Vice chairman Lucas said those are enforcement issues and have nothing to do with Ms. Levingston's application.

Commissioner Amator said she was embarrassed by the handling of this matter. Ms. Levingston complained that she had to come before the commission a second time after a tie vote at the July 15, 2004 meeting.

Commissioner Slaysman said he was concerned about pedestrian, bicycle and traffic safety, which neighbors brought up during the July 15 discussion.

Motion by Steve Martin/Bill Lucas to approve the conditional use permit.

Vote:	Ayes:	Steve Martin
		Larry Martin
		Kay Matthews
		Bill Lucas

	Nays:	Betty Amator
		Dan Slaysman

7. **CUP2004-C011**: Consider a conditional use permit application from Henry Reyes to allow a fence in the front yard taller than three feet.

Mr. Malone said the only difference between this application and 2004-C009 is that the fence is 18 feet back from the property line and measures 5 feet instead of 6 feet.

Ms. Levingston asked why notification letters were sent to neighboring property owners regarding her application but not Mr. Reyes'. Staff said it was an administrative oversight and recommended the matter be tabled until the notifications could be sent.

Motion by Larry Martin/Steve Martin to table the application and call a special meeting as soon as possible to address the application.

Vote:	Ayes:	Bill Lucas
		Kay Matthews
		Dan Slaysman
		Steve Martin
		Larry Martin
		Betty Amator

The meeting adjourned at 7:35 p.m.

William Lucas, Vice-Chairman